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A bimonthly magazine about the Antipoverty Program

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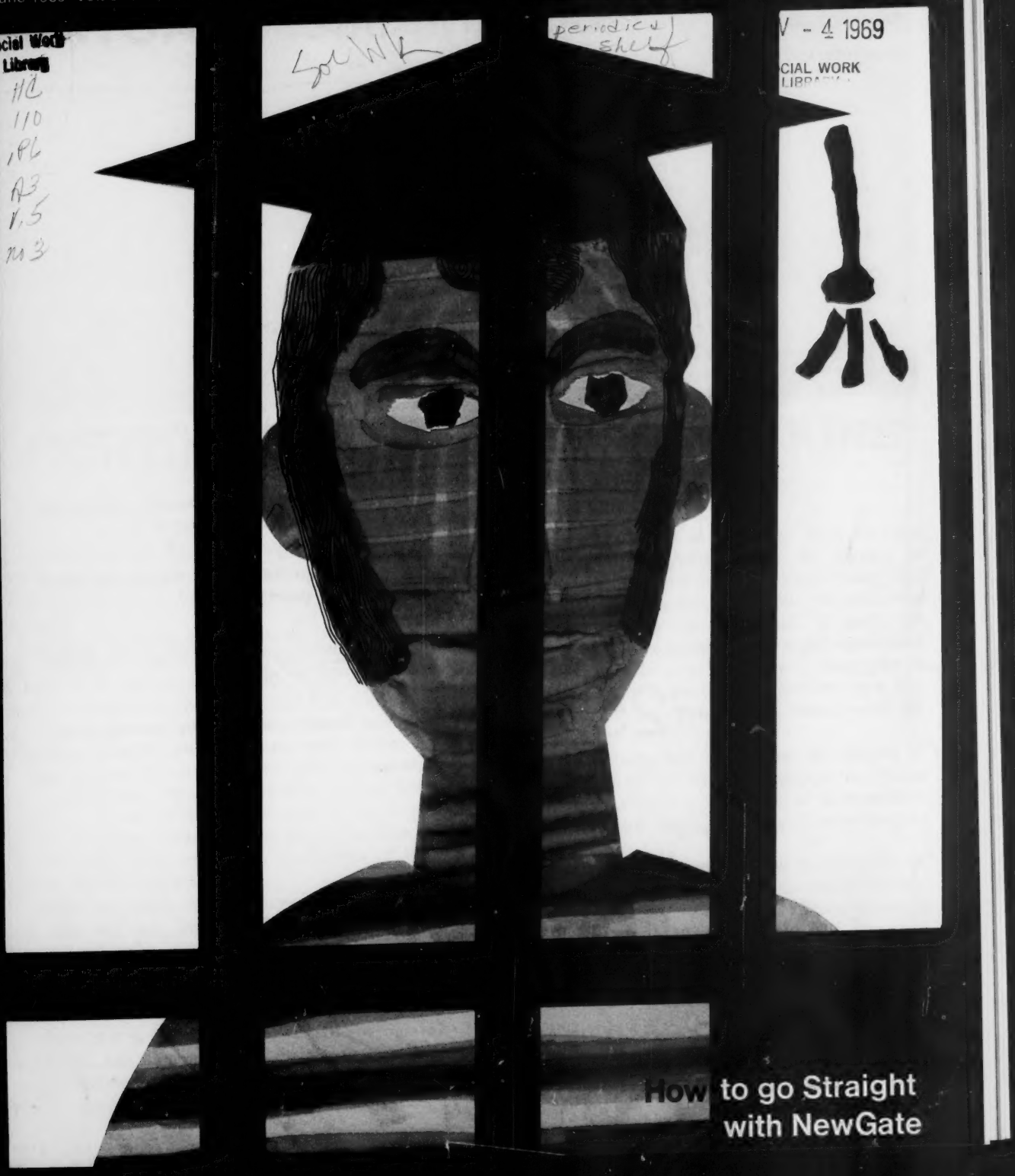

How to go Straight with NewGate

Edward O'Hara, Editor

June 1969/Vol. 5 No. 3

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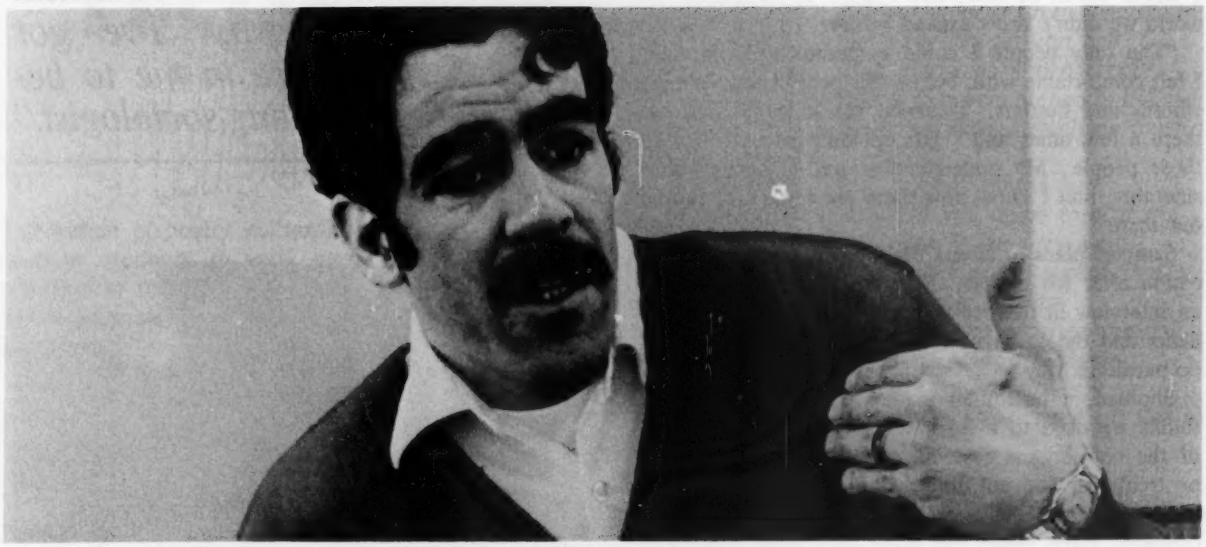
Gordon Davlin



FIGHTING CRIME WITH SHEEPSKINS

By Norma J. Gordon

Richard Shoblad, 32, was serving a life sentence for armed robbery at the Oregon penitentiary when he began taking courses for a bachelor's degree in social science.

He attended classes given inside the prison by visiting professors from nearby colleges. Later he was moved to the Multnomah County Prison in Portland where he commuted daily to Portland State University. Shoblad was paroled in April and graduated cum laude in June.

Ben Samples, 34, set a 3.8 grade point average (out of a possible four points) while earning 70 credit hours toward a degree in English literature in the Oregon prison. Looking forward to being paroled in May, he said he was "hung up" on the meditations of John Donne, the English poet.

"When you talk about recidivism you're talking about guys like me," said Samples. "Fifteen to 20 years of coming and going in and out of prisons. If it hadn't been for NewGate, I'd have three or four falls left in me before they planted me in some jailhouse graveyard."

"NewGate" is not a prison, but an OEO-sponsored Research and Demonstration project that enables prison inmates to channel their energies into college study. Enrollees are recruited inside the prison and start a program aimed at a degree. Most prisoners attend classes in the prison. Some are allowed to attend classes on campus on "educational release," but they must return to custody at night. NewGate was originated two years ago in Oregon. It works cooperatively with the correctional and higher educational systems of the state. The same idea is being tried in New Mexico and Kentucky, and NewGate type programs have also been developed in Pennsylvania and Minnesota.

The NewGate project has earned the support of Governor Tom McCall and has prompted the Oregon Legislature to consider a re-direction of its corrections policy to emphasize helping former convicts re-integrate into society.

Samples' experience indicates how the NewGate approach can reverse a prisoner's attitude toward society.

"When I came to NewGate, I was still on the wrong road," says Samples. "I wanted to use it to tear down everything. Now my whole attitude has changed. I think the concept of NewGate—of setting up an educational program within the prison but separate from corrections—is a great idea, and will be the coming thing."

"NewGate came in and gave us an opportunity to interact with people who were not raised in the sys-

tem," says Samples. "We found out that the other half of society—the non-cons—are not all fakes and phonies. Like the NewGate staff—they are very real people. Getting to know them as people has changed a whole bunch of ideas and opened up a part of the world we didn't know existed before.

"The only people I could communicate with, that I felt comfortable with, before this project were pimps, whores and hustlers. I carried the lunch bucket out there a few times and I just couldn't get with it with those people. My understanding has broadened considerably, and I know now there are some real people out there."

Samples plans to attend the Oregon College of Education after his release. He was accepted there after an interview in the penitentiary with the Dean of Students and the Dean of Admissions. He was released on parole in May.

Shoblad, a lean man loaded with restless energy, thinks we need to build a whole new system outside of the correctional system, "where the orientation is on treatment and not custody."

"It's a war," says Shoblad, "between treatment and custody. Even when you build alternative systems—work release, or a halfway house or a structured situation where you're reporting to a counselor, say, twice a week—even if you have all that operating, if it is responding to the prison system—the old walled-in structure—the prison system will eat it up."

Shoblad would like to work as part of a completely new system of "human restoration," where he would "try to provide constructive outlets for creative people."

About the correctional system's current efforts at "rehabilitation," he says, "I'm not rehabilitated, which really means broken, and I hope I never will be. I'm not part of the crime system anymore, because NewGate showed me that there were a lot of creative, exciting things to do in the 'legit' world, but I'm still a hustler. I'm just learning how to hustle in a different way. I've got enough experience in me to become a very exciting sociologist."

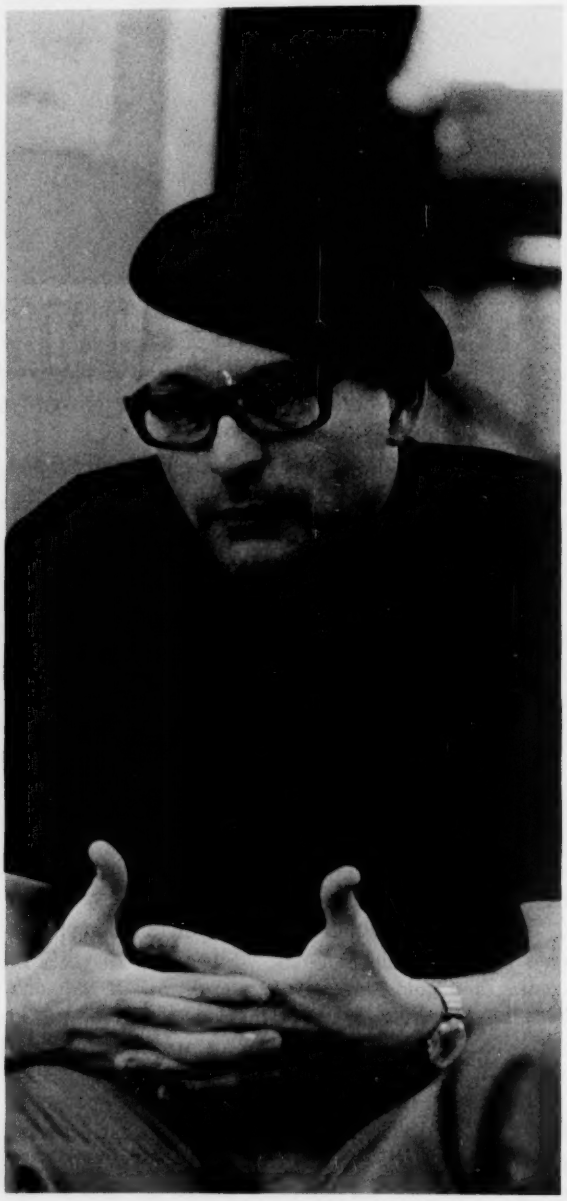
Shoblad has been promised a paid assistantship in the sociology department of Portland State while he works for a master's degree.

Some NewGate students need to take courses and tests first to get a high school equivalency diploma. As they are released from prison, new students are recruited for the in-prison educational program.

Those released may still be under some form of correctional restriction, such as probation, parole or educational release. They attend college under the auspices of project NewGate and live on their own. Those on educational release must report to a local county jail for lockup at night. Six of the 23 currently released and pursuing college courses are on educational

"I'm just learning how to hustle in a different way. I've got enough experience in me to become a very exciting sociologist."

Richard Shoblad



POETRY FROM PRISON

(A selection of poetry written by NewGate students recently was published in the Salem (Oregon) Capital Journal. Below are a few examples.)

Lament to a Gull

Tonight I watched a sea-gull die
in the silent, killing cold
that seldom comes to this place.
It beat its wings, leaped, tumbled,
valiantly trying to gain the safety
of the sky.
A searchlight from a gun-tower
lit the stage for the little-death
drama,
watched by convict eyes.
A darker spot against the glare-
white snow,
a broken bird, unknown, alone,
trapped by the concrete cliffs.
I wondered if the tower-bull
smiled
to see the feathered mocker of
his wall
humbled,
finally.

—Ben Samples

An Observation

Bill's gone.
He shook my hand and walked
away
and I thought,
I'm glad I have few friends.
Saying goodbye
isn't
easy.

—Ben Samples

Pinnacles and Parapets

When I was just a little boy
I dreamed of a castle tall
All bounded about to keep
enemies out
With a massive grey stone wall.
With pinnacles and parapets
And with towers etched in the sky,
And my mind created a fantasy
For a very small dreamer was I.
And now I am an older man
And I have my grey stone wall,
With a soldier of tin to keep me in,
For a toy I've an iron ball.
With pinnacles and parapets
And with towers etched in the sky,
While my days stretch on toward
eternity
Now a wiser realist am I.
So when you come to visit me
You peek in over my wall.
Your mind won't accept that a
soul could be kept
Where no one can hear its call.
So my parapets you study
With a gentle curiosity.
And you ask me "what's it like in
there?"
And I answer, "wait and see."

—Donald F. Douglas

Through the Streets
Of the Capital

Through the streets of the capital
they came
Like pagans burying a great chief,
Civilized human beings finding
comfort—stability, expiation
In the pomp and magic rites
In the war drums—muffled now—
In the creak of caisson and leather
In the braided pious kings and
princes
Selassie in black and flashing gold,
DeGaulle in sombre gray,
In the ruffles and flourishes and
the dirge—
In the pipes of the Black Watch,
Their wild, eerie shrill
In the slap and crack of the
Irish Guard,
In the presented arms,
Salute to the Commander in
Chief—
And in the black horse—the rider-
less black horse—
Shying—dancing—filled with life.

—Dick Schwensen

Dr. Thomas Gaddis

release and report to the Multnomah County jail every night.

The man who formulated the idea of "re-institutionalizing professional criminals" in a college setting is Dr. Thomas Gaddis. He developed the idea while serving on OEO's Upward Bound Advisory Council. Upward Bound is a pre-college program attempting to salvage the potential talents of impoverished high school students by interesting them in learning and motivating them toward college.

Dr. Gaddis, author of the "Birdman of Alcatraz" and a licensed psychologist with a Ph.D. in education, reasoned:

"Prison inmates are also culturally and economically deprived. . . . It is simply not possible to plug the con back into society after he has been stripped bare of human dignity and self-identity in the subculture of prison life."

Using statistics to back up his argument that "the prison system is a failure," Gaddis notes that 68% of released prisoners are convicted of subsequent crime. "In terms of human engineering, that is gross inefficiency," says Gaddis.

The FBI, in its "Uniform Crime Report for 1967," also questions the effectiveness of current rehabilitation programs in prisons. It says 75% of those arrested in 1966 and 1967 for violent crimes (murder, rape, felonious assault and robbery) had been convicted of some prior charge.

The Report of the President's Commision on Law Enforcement and Administration of Justice, concluded in its evaluation of nationwide correctional efforts: "The ineffectiveness of the present system is not really a subject of controversy. The directions of change—toward the community, toward differential handling of offenders, toward a coherent organization of services—are supported by a combination of objective evidence and informed opinion.

"The costs of action are substantial. But the costs of inaction are immensely greater. Inaction would mean, in effect, that the nation would continue to avoid, rather than confront, one of its most critical social problems; that it would accept for the next generation a huge, if now immeasurable, burden of wasted and destructive lives. Decisive action, on the other hand, could make a difference that would really matter within our time."

Twenty-three of 45 NewGate enrollees released from the Oregon State Penitentiary are now in college, and at least five are making better than 3.5 grade point averages out of a possible four point.

Four of the 45 have been subsequently accused of crime, and five others have been returned to prison for violating the terms of release.

A combination of the right kind of professors and counselors and constructive, creative channels for active, alert minds may be the mix that has kept this small sample of former hard-core felony offenders away from crime, and out of jail for the longest time in their lives.

Gordon Davlin, 34, released on parole in January, 1968, is out of prison this time for the longest period since he was 14 years old. He is in his junior year at Portland State, majoring in sociology, and working part-time editing copy for trade magazines, arranged through a NewGate journalism professor. Gordon explains:

"Since I was 14 I've been batting my head against prison walls. When I came out of Quentin I said, 'I'm not going back,' but I was back in the bucket in eight months. Maybe something happened on a different level this time."

What happens in prison, says Gordon, "is a year-in, year-out psychological barrage to destroy men . . . the subtle thing that operates throughout the prison system in the U. S., and it's devastating—it kills them and it mashes them in terms of responding in any realistic way to the structure and to society. Before a guy even gets snatched, he hears all about treatment for cons. So you come in and you go through this testing procedure, which is a game, and you see a counselor, and they have you go through these little game sheets, like 'what do you want to be.' In terms of what the prison system can offer you there's the furniture factory, the garment factory and the bakery, and there's all the gardening around the warden's house. So the guy comes in and he wants help and the poor jerk is naive enough to think that when he goes to a prison or a reform school he's going to get help. And he still thinks that way for about six months to a year, and then you can see those kids, first termers coming in, getting disillusioned, and then they do a flip. After the first year they begin smashing out—they go to the black hole (solitary confinement), they

smash a bull (a guard), and they go back out with this feeling of being cheated, of being used, of being manipulated.

"The whole system is an unwitting accomplice to the big lie that the system is somehow offering you viable alternatives."

Samples relates a similar case history:

"I took a kinky little turn in the road back when I was 14 and took a sharp turn when I should have gone straight ahead; and prisons, reform schools and various institutions build roadblocks behind you and make it awfully damn hard to get back where you made that wrong turn."

One young woman who has been out for a year and a half after one prison term for forgery is majoring in psychology at Portland State. Dianna, 23 and newly married, hopes to work as a clinical psychologist in diagnostic centers for ex-convicts, yet to be developed in Oregon. She envisages community centers for adults and foster homes for juveniles; tests "that are not mickey-mouse tests like they are in the prison," and overall observation to determine the "underlying reason for the crime and what is needed to develop the person's talents and abilities."

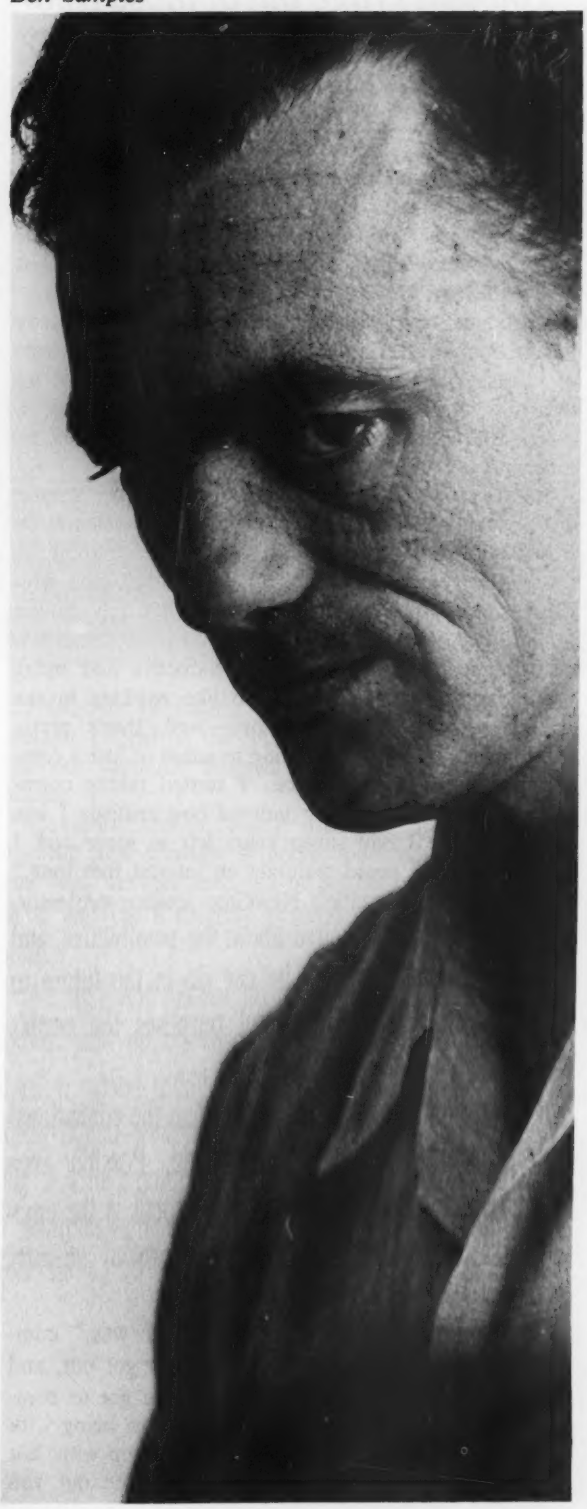
Bill Killmon, 32, in his junior year at Portland State, majoring in social science, thinks the function of a parole officer should be changed, "so that he's helping the individual ex-con to make it."

"But it doesn't work that way—you get busted and sent back to the jug for a year for taking a drink."

Killmon, who is on educational release and must return every night to the county jail, along with six other NewGate enrollees, claims: "Custody is still the main hang-up of work or educational release. They

"... prisons, reform schools and various institutions build roadblocks behind you and make it awfully damn hard to get back where you made that wrong turn."

Ben Samples



"You don't rage out of those front gates hating 90 per cent of society and do anything worthwhile."

want to know where you were and what you did. The fact that you come back on time isn't enough. Telling an adult he may move out into society but don't take a drink is like telling a child don't use that toy but here's the toy."

On educational release, convicts return to a nearby jail for lockup every night. They can break the terms of release and be returned to the penitentiary for an indeterminate time for drinking, dating, visiting a person's home, or any other minor offense, such as receiving a traffic ticket.

Rex Herron, 30, sentenced to eleven years for second degree murder, has 80 credit hours toward a degree in biology. However, he cannot be paroled for three or four more years. Herron, a mild-mannered man who is not a habitual criminal, admits that "the job choices in here are very non-stimulating."

"After you're used to being productive and being useful, and they give you a job like working in the bakery or the furniture factory—well, that's pretty meaningless. It's a rugged thing to adapt to just a completely meaningless existence. I started taking correspondence courses but I wondered how realistic I was being because I had seven years left to serve and I didn't know if I could maintain an interest that long."

Thanks to an exciting NewGate science professor, Herron is now very excited about the possibilities, and the very meaningful work he can do in the future to preserve and convert to useful purposes the earth's natural resources.

Project NewGate provides more than the educational tools to make a living on the outside. Possibly even more important than the educational focus is the emotional support offered during the crucial re-entry period.

Dianna, remembering "how scared I was," commented: "If you had a Ph.D. when you got out, and that's all, you wouldn't make it. You've got to completely readjust your whole entire being to being with people, and not just people you're cooped up with, but that you can choose. When you first come out you don't want to be around anybody—you're afraid they'll look down on an ex-con, and that's when you *need* to have friends, and this is where this program comes in. You can come here and say, 'look, I've got a problem,' and you can talk about it and they know what you're talking about. You can't do that with a parole officer—they don't have the time—they say, 'OK, you've got a problem, go solve it.' "

Ben Samples articulated what most seemed to be saying: "Attitude is all important. You can go out of here with an education, but how you're going to apply the tools of education—your attitude—is the key to the whole thing."

Ben deliberately chose a small conservative college because "I'm tired of fighting battles—I want a place where I can assume my own obligations and just be a people." (sic)

A NewGate experiment is now being started in New Mexico, sponsored by Eastern New Mexico University in Portales, working with 50 inmates of the New Mexico Penitentiary. The first project for juveniles is being sponsored by Morehead State University, for 40 teenagers in the Federal Youth Center in Ashland, Kentucky.

Gerson Green, director of OEO's Research and Demonstration Projects, through which NewGate projects are funded, hopes that Congress will take a good hard look at the Oregon results and decide that this may be one answer to a major problem facing the country—the rising crime rate in America. Ten additional states have already expressed an interest in trying out NewGate in their correctional systems.

The Oregon legislature is now taking a second look at NewGate in their state to see what can be done to supplement the federal effort.

Two state representatives of the Oregon Legislature, noting that the OEO-sponsored project has been "sending convicts to college with happy results," have introduced a six-point bill aimed at integrating convicts into society, rather than building a bigger and better "fortress prison" to separate them from society.

Reps. L. B. Day (R., Salem) and Robert Davis (R., Medford), a former circuit judge, proposed deferral of capital constructions requests in the corrections budget now under consideration.

"A new level of corrections literature," Day told the Oregon State public safety subcommittee, now proposes emphasis on the "re-integration" of offenders back into community life rather than "the traditional approach to criminal behavior"—relying on "revenge, restraint and reformation."

Day urged the committee to decide "in favor of people instead of concrete and asphalt."

Governor McCall has backed the project since its inception two years ago. After a prison riot in April 1968, NewGate students were congratulated by the Governor and the warden for their good judgment and heroism in protecting five teachers, including one woman, caught on the fourth floor of the prison when the riot suddenly erupted and the building was set ablaze.

Governor McCall has praised the project as "an exciting new concept in correctional education." He has been actively involved in prison reform for some time, and has a recently paroled lifer on his personal staff.

An assistant district attorney of Philadelphia, Alan Davis, said on television recently: "When you put a man in prison today and he stays there he becomes a finely-honed weapon and he's going to get out some day and he's going to turn on the community."

Samples agrees: "You don't rage out of those front gates hating 90% of society and do anything worthwhile."

Norma J. Gordon, a former reporter for Medical World News and public relations representative with the American Nurses' Association, is the public affairs officer for Upward Bound.

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Profile of a Pacesetter

By Edward O'Hara

Suppose a government agency decides on a 30-cent increase in the minimum wage. Imagine further that on the day the new wage is to go into effect, your employer goes to court and gets an order restraining its enforcement. That is what happened to Mrs. Angela Rivera, 43, of Patterson, California, mother of eight children (seven of them under 18), who earned about $1,000 as a farm worker last year while receiving welfare aid. It also happened to 100,000 other California farm workers—women and minors—who were to get an estimated $20 million to $30 million annual wage boost starting February 1, 1968.

Several Rivera children earn money working in the fields. The new minimum of $1.65 an hour would add $400 to $500 to the family's meager income. It would mean more and better food, shoes and clothing for the children. However, three California growers associations (representing the growers, packers and shippers of 85 percent of the fresh deciduous fruit grown in the state) filed suit challenging the validity of the new rate, claiming that the state Industrial Welfare Commission, which set the rate, failed to provide a trial-type hearing including confrontation, cross-examination, and rebuttal of witnesses. The commission heard 1,875 pages of testimony from 479 witnesses in 1967 in a quasi-legislative hearing. That wasn't good enough for the growers. Courts in San Francisco and Los Angeles is-

sued orders restraining the state Division of Industrial Welfare from enforcing the new rate against the growers who sued. The division then decided to halt enforcement of the new wage against *all* employers, including those who had not filed suit.

It was not until four months later, in June, 1968, that lawyer Sheldon Greene, chief of the Modesto office of California Rural Legal Assistance, learned of the statewide policy against enforcement of the $1.65 minimum wage.

Farm laborers working for employers not involved in the suit were not getting paid the minimum wage. They came to the law office to complain about the situation. As a result, Greene filed suit in the California District Court of Appeals to compel the state to enforce the minimum wage and related regulations for hours and working conditions. The California Attorney General joined in the farm workers' plea, representing the Industrial Welfare Commission. Last fall, the Court of Appeals ordered the State of California to enforce the minimum wage, retroactive to February 1, when it was to have taken effect. However, the 100,000 farm workers had to wait another two months while the decision was appealed. The California Supreme Court, in effect, upheld the Court of Appeals by refusing to hear the case. Finally, nine months after a new minimum wage had been set, the state Division of Industrial Welfare began enforcing it.

But the story did not end there. Some growers and contractors refused to pay the retroactive wages, as ordered by the court. As a result, lawyers in the McFarland office of CRLA have started legal action against them in order to get them to obey the law.

It may seem strange that workers should have to go into the courts to get the state to enforce its own laws. But it happened once before. Back in 1963, also on the day a new minimum wage ($1.35) was to go into effect, growers obtained court orders restraining application to some 25,000 farm workers. The growers successfully prevented enforcement of the wage for several years after it had been officially adopted.

Winning legal battles on behalf of victimized poor people has helped to make CRLA one of the best known and most respected Legal Services agencies in the country. The National Advisory Committee to the Legal Services Program chose the California agency as the most outstanding project in the nation.

James D. Lorenz, a founder and director of the agency for three years, recently stepped down from that post. He was succeeded by Cruz Reynoso, a deputy director of CRLA and former associate general counsel for the Equal Employment Opportunity Commission in Washington, D. C. Reynoso is a Mexican-American whose father was once a farm worker. As the most outstanding Legal Services attorney, the committee chose Gary Bellow, former deputy director of CRLA and now a professor with the Western Center on Law and Poverty at the University of Southern California.

What was it that made CRLA different? To understand that, it is useful to look back to see how it got started.

Back in 1966, Jim Lorenz, then 28, was one of the bright young men at O'Melveny & Myers, the large Los Angeles law firm. He had completed Harvard Law School with honors. He had undergone several traumas in his personal life. Talented and restless, he was dissatisfied because he felt his work was insignificant. He did some work with an emergency committee that provided help to farm workers. He did research into the plight of the poor in California.

One day he received a phone call requesting legal help for a woman farm worker who had been sprayed with pesticide by a crop dusting plane and had suffered severe blisters on her arm. Lorenz did not have the time to help. But he called the American Civil Liberties Union and others who might be able to help. Eventually, the calls went around in a circle and people called *him* for help, unaware that he had started the calls in the first place. Then came the sickening realization that *nobody* had the time to help the injured woman. Poor people needed help and there was nobody to help them. "I had all the liberal

pretensions," he said. "I was partly responsible for the poverty of those people, and I was unconscious of it."

He had found, in talking with Mexican-Americans at the grass roots level, two basic problems: apathy and fear. "A dear friend of mine, a community organizer in Imperial County, says that fear is easier to handle than apathy because at least it's a feeling. At least you have something to start with. And it is possible to flip fear to anger. But when you are dealing with an apathetic person you are dealing with a dead person, and you've got to wake him up in some way." Any effort to help the poor in California had to contend with that problem.

About the same time, Lorenz met several successful young lawyers who were interested in working for the poor. There was, for example, Robert L. Gnaizda, a product of Yale Law School and Columbia College, bright, quick, and articulate, former senior trial attorney with the Internal Revenue Service in Los Angeles and legal adviser to the district director. There was Sheldon Greene, recently returned from living in a kibbutz in Israel where he indulged his passion for archaeology and comparative religion, former warden of the Ohio Insurance Department and counsel to a Los Angeles insurance company.

In the spring of 1966, Lorenz wrote a proposal to the Office of Economic Opportunity for a statewide legal services agency to serve the rural poor through ten regional law offices. It was not long before the OEO awarded $1.2 million in Research and Demonstration funds to the new private nonprofit corporation uniquely aimed at solving the legal problems of the rural poor.

The main office of the CRLA is in San Francisco.

In the past three years, Lorenz's lawyers have challenged and reversed laws that were unfair to the poor; accused government agencies of discriminating against the poor and won court orders and out of court settlements stopping the offensive practices; helped groups of poor people assert their rights and present their grievances to public officials; helped make welfare and other public officials more conscious of the rights of poor people; and, by taking on some controversial cases, have demonstrated that poor people can be injured by Big Government just as seriously as corporations and more affluent Americans.

When CRLA lawyers in 1967 accused the Department of Labor of failing to enforce its own laws regarding the certification of bracero labor to enter the country from Mexico, public officials heatedly questioned whether this was a proper use of federal funds. Now attitudes have changed. A year later, when CRLA sued the U. S. Department of Agriculture and the State of California, demanding that federal food programs be set up in 16 California counties that had none, there was no such criticism. It was no longer a shock to see poor people sue to win redress of a grievance.

CRLA's willingness to take the broad controversial cases, while it once raised the ire of political leaders and growers, has won a high reputation among the state's poor people. It has also encouraged other Legal Services Programs to do likewise. "We were the test for Legal Services, in a way," Lorenz said. "We ran risks for the whole program. Other Legal Services programs in California saw that they could tackle potentially controversial issues and not get hurt as a result," he said.

The most controversial cases have been those brought by poor people against the government. "We think government is the major problem," Lorenz said. "A lot of people around the country are getting sensitized about this issue," he said. "The view of government is very different than it was five years ago. And people have become more sophisticated in bringing pressure against the government. It's not only the lobbyists for labor and industry and the big corporate lawyers who know how to put pressure on the government. That was a game they had much more locked up three years ago."

"Government agencies no longer make unilateral decisions," he said. "The only way government remains honest is if it is subjected to counter pressures."

In establishing a name among California's poor, the agency has built new respect for lawyers and the law. A survey by law students found that 64 percent of the Mexican-Americans in three areas served by the agency—and 75 percent of those under 30—were familiar with CRLA's work. (Only 7 percent of the random sample had been clients of CRLA.) This compared with 53 percent recognition of Willie Mays and 99 percent for the late President Kennedy. Among those familiar with the legal agency, a majority of the total and 75 percent of the young people had developed a more favorable attitude toward lawyers, courts and judges as a result of their knowledge. When asked whether the courts treat poor people fairly, 40 percent more of those familiar with CRLA answered "yes" than among those not familiar.

Gnaizda, deputy director of CRLA and former managing attorney of its office in Salinas, said he thinks the agency has won the respect, if not the admiration, of the local establishment and of the bar.

In Monterey County, where the Salinas office is located, a leading member of the Board of Supervisors said in an interview he could agree to the need for an agency to give legal help to the poor. But he felt that CRLA's suit aimed at stopping the importation of bracero labor in 1967 alienated many people, including the growers. The supervisor, a grower himself, pointed out that some people questioned the use of tax money to challenge established laws. However, he said it was true that some of the existing laws were unfair to the poor. "I can't condemn them for what they do," he said of CRLA lawyers.

James N. Boylson, 36-year-old director of the county's Community Action Agency, credited CRLA lawyers with channeling the frustrations of poor people into constructive efforts, such as getting the county board of supervisors to apply for a Food Stamp program. The CAA has worked closely with the legal agency. He called CRLA "one of the best programs we have. It has done much with a small number of court actions to change laws and attitudes."

Mary Lou Stutzman, assistant director of a CAA neighborhood service center, who worked with CRLA in various projects, told a story that explains how the legal service agency makes a difference to people.

The health nurse discovered a local family in which two babies had fevers and bad colds. The heat and lights had been turned off in their home for two weeks. Their father, a farm worker, had broken his leg and injured his back. The family had called the welfare case worker on a Friday. Her response was that she would look into the matter the next week. Then Mrs. Stutzman called the lawyers. Within a short time, the lawyers got the company to turn on the utilities and got the welfare department to start payments to the family.

CRLA has made the local welfare department more responsive and fair to the applicants, according to Lyle Pineda, a 32-year-old senior investigator for the agency. When the agency first set up its Salinas office, Pineda said the department would force applicants to wait eight or nine hours before an interview. He said the department has improved so that when he has a person who is eligible, he is approved without delay. He said the department did not explain to applicants the different categories of assistance, so that if a person applied for the wrong kind of aid, he could be turned down. CRLA has taught clients the rules of this game, so they cannot be fooled.

CRLA continues to handle cases of wide significance for California's poor. Here are several interesting cases:

Last December, CRLA attorneys obtained a federal court order instructing the federal and state governments to set up food benefit programs for some 25,000 families in 16 California counties. The lawyers, Gnaizda and Martin Glick, were representing poor Californians who were denied federal food programs because they live in counties that refused to take part in the program. The U. S. Department of Agriculture refused to obey the court order for more than four months. The State of California said in February it wanted to get the programs started and accused the Department of "frustrating and interfering" with its ability to comply. By mid-May, 15 of the 16 counties had started, or planned to start, food programs on their own initiative and by paying the distribution costs themselves. On April 29, CRLA lawyers filed suit charging the Secretary of Agriculture with civil contempt of court for failure to comply with a binding court order. The court had ordered the department to set up food programs "in the shortest time feasible."

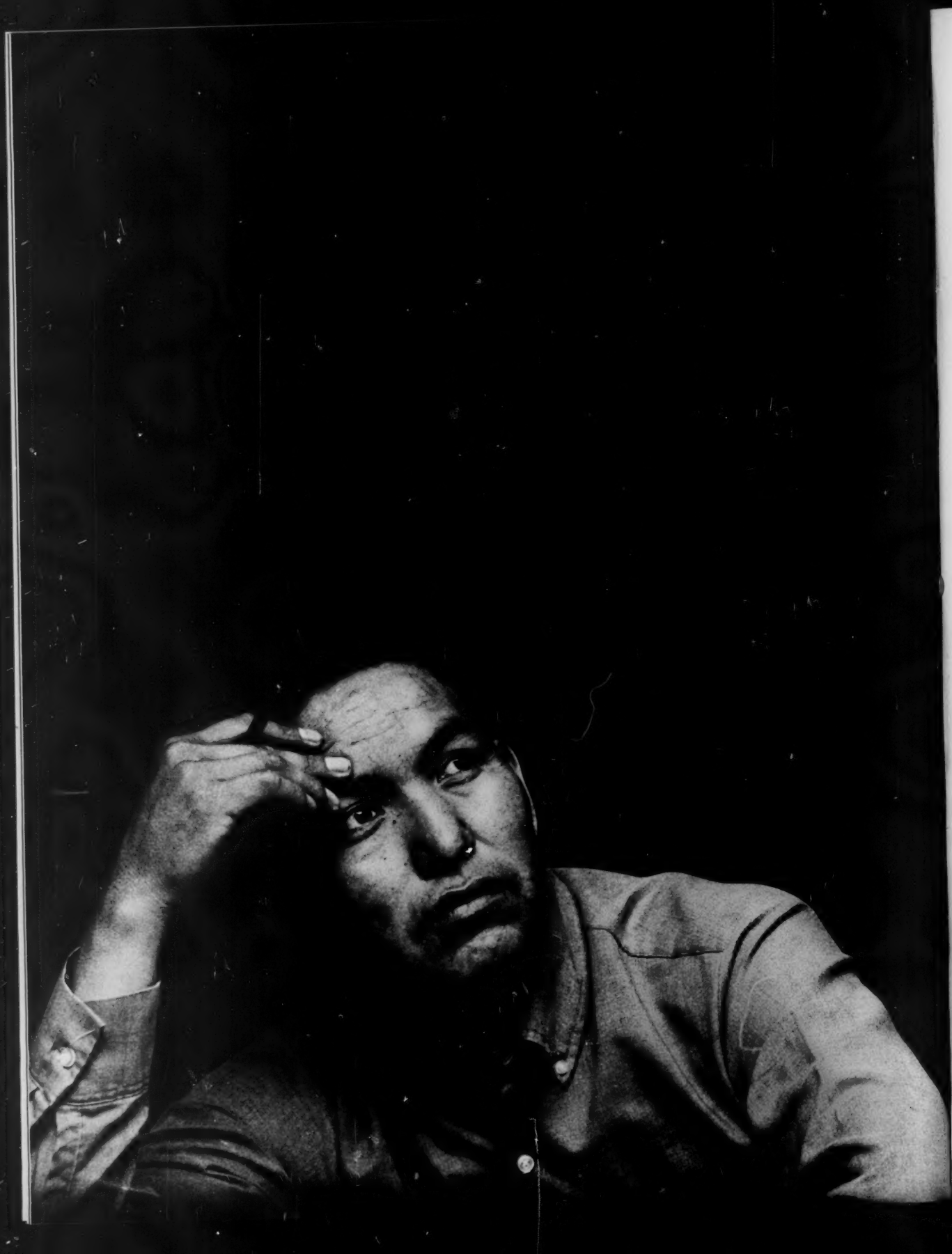
In another case action against a federal agency, Ramon Romero, 53, father of two children, a maintenance man and kitchen assistant for a large commercial farm corporation near Castroville in the Salinas Valley, last year sued the Department of Labor charging that exclusion of farm workers from unemployment compensation benefits is unconstitutional. When the unemployment compensation law was passed in 1935, farm workers were excluded mainly because agriculture then consisted of small family farmers and it was thought the administrative burden on the farmer would be too great. Represented by lawyers Gnaizda and Glick, Romero argued in his complaint that times have changed, that farming is now dominated by large agri-business corporations. Romero was denied unemployment insurance benefits when he lost his job last year because his employer was in an agricultural business. If Romero had been doing *exactly the same work* for a non-agricultural employer, he would have been covered by unemployment benefits, the complaint said.

Edward O'Hara, a former reporter for the Chicago Sun-Times, is a public affairs officer for OEO and the editor of **Communities in Action.**

Romero charged that farm workers are the only major category of workers in private enterprise excluded from unemployment coverage. He asked the court to issue an injunction to enable the government to collect the Federal Unemployment Tax from agricultural employers. Some growers and California state legislators have come out in favor of extending unemployment insurance coverage to farm workers. Romero argued that coverage of California farm workers would save the state nearly $8 million in welfare funds and remove 125,000 persons from the welfare rolls. Recently President Nixon recommended that all farm workers be brought under the coverage of the federal unemployment insurance program.

The right of the Internal Revenue Service to attach 100 percent of a person's wages for nonpayment of federal taxes has been challenged by Elisa Beltran, a 35-year-old lettuce picker from Salinas. Illiterate in English and separated from her husband, she is the sole support of her two school-age children. Represented by CRLA, she sued, charging she faces eviction, loss of her job, car and furniture, and possibly starvation, because IRS attached all of her weekly wages of $50 to $70 for unpaid tax bills she believes to be less than $200. IRS is the only agency, public or private, that is permitted to take 100 percent of a person's wages. Some 100,000 to 300,000 persons a year are fired from their jobs because of wage attachments, according to a Labor Department survey. A federal judge has issued a temporary restraining order against IRS pending the consideration of the case.

In the past three years, Jim Lorenz and his lawyers may have developed the feeling they were doing something significant. A lot of other people around the country have come to the same conclusion.



By COLMAN MCCARTHY

Three months ago, 98 schools were in operation on the Navajo Reservation, a 25,000-square-mile area in northeast Arizona, plus tips of Utah and New Mexico. The 98 schools had the following to their credit:

—a 60 percent dropout rate;

—90 percent who attended college off the reservation returned home without a diploma;

—99 percent of all Navajos never graduated from college;

—Navajos, schooled or unschooled, had an unemployment rate of 60 to 80 percent.

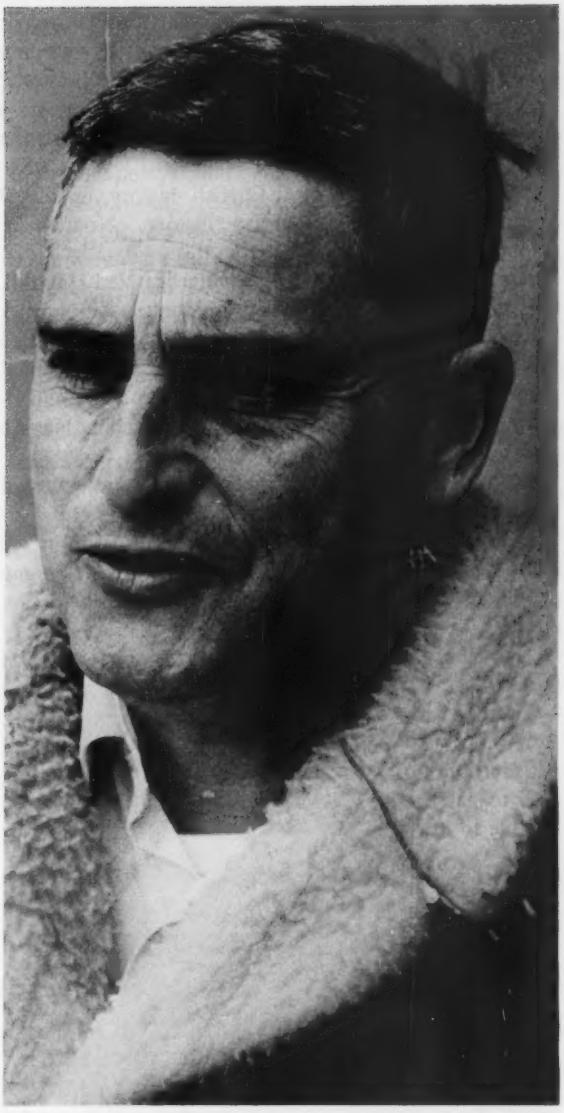
The 99th school on the Reservation is the Navajo Community College, the first institution of higher learning ever situated on an Indian reservation—and the best hope for Navajos to reverse the above statistics.

Aside from being far from the madhouse crowd, NCC has three things going for it: the campus is located on one of the most eye-thrilling sweeps of land in the Southwest; its 40-member faculty and staff has enough Harvard types to be brainy but enough self-educated local craftsmen to be lively; and its 300 students are disarmingly eager to learn.

Unlike many middle-class undegraduates, the Navajo students know that if they blow this chance, they've blown every chance. They have seen the raw deals and dirty deals their parents and ancestors got. If they miss this chance, the same life awaits them.

The president of the Navajo Community College is Dr. Robert A. Roessel, Jr. A man of charm and charge, Roessel has been living with and sticking up for the Indians for the last 20 years. A former professor of Indian education at Arizona State University, Roessel is married to a Navajo, the daughter of a medicine man. In 1965, he created the famed Rough Rock Demonstration School near Many Farms and proved that Navajos are capable of administering their own school.

Roessel, who knows his way around the in-baskets of Washington and has an OEO grant of $457,000 to prove it, explained to a recent visitor his philosophy of Indian education. "We aren't using the college as a back-to-the-blanket movement. We want the Indians to live in the 20th century, not shoot buffaloes and look pretty for tourists. There's only one way to do this: create the conditions where they can have confidence in themselves.



"The Indians have been told for 100 years that they are useless and helpless. They began to believe it."

"We're aiming at making it possible for the Indian to make intelligent choices, so that he can decide for himself whether to remain on the reservation or migrate to the city. Most of all, we want to give him the breadth of education so that he can see himself."

As an example of a Navajo who was kept from seeing, Roessel cites his wife. "Before going to Arizona State, she went to Indian schools for 12 years. She learned American history, English history, medieval history—everything but Indian history. Now we're going to change that."

Among those helping in the changes is Ned Hatathli, the college's executive vice-president. A Navajo, Hatathli said three types of courses are being offered this year: two-year pre-college courses for high school graduates, and courses to teach English to non-English-speaking Navajos as well as courses in teaching Navajo culture, language and legends.

"A practical goal of this education is jobs," said Hatathli. "There are 45,000 students on the Reservation, but only 600 are in college. What a waste in the labor market. The Tribe desperately needs its young people to go into teaching, health care, construction and law. These jobs are awaiting our graduates.

"It's true, the Navajo student can get this education at a college off the Reservation. But so far, he hasn't —for many valid psychological and cultural reasons. A new approach at our college is that we will have patience with the students, give them time to learn, time to get the most growth from being here. They'll be able to breathe a little as well as learn a little."

Breathing a little is no small goal. One of the more serious retardations of many Navajo students is the "education" they received from the Bureau of Indian Affairs. Essentially, this was merely a passing-on of the kind of education the BIA teachers received when they were kids—back in white, suburban America. Thus, when a BIA teacher gave a course in civics, he was likely to tell the young Navajos about mayors, councilmen, city managers, city aldermen—information that had no relevance to the lives or cultures of the students.

"What can a child on an Indian Reservation all his life understand about a city alderman?" asks Lee Weingrad, 25, an instructor in political science at NCC. "More significantly, why should he *want* to know?"

Weingrad, a New Yorker who studied at Bucknell and Iowa, said that a deep problem among his political science students was overcoming him, the teacher. "Many of the students were conditioned by the BIA to be *good little Indians.* Be on good behavior and the teacher would reward you with his approval. Tell him what he wants to hear, whether it's true or not. As a result, many of the brightest Indian students were those who best knew how to play the please-the-teacher game—with BIA rules—, rather than really use their intelligence to be creative."

Although many liberal critics find the BIA the handiest goat to scape, some BIA teachers are progressive and enlightened. Two in particular were involved in the Rough Rock project, and presently, many are involved with the college at Many Farms. These teachers agree with BIA critics: that until the Bureau is modernized, better staffed and higher funded, it won't really be serving the Indians—only controlling them.

That the Navajos have been controlled is easily evident at Many Farms. The college offers a kind of education few of the students have ever experienced. They are urged to open up, relax, speak out and be themselves. Many can't, thanks to the stifling education they received at the public schools and BIA boarding schools over the years. Paradoxically, some students are suspicious of the NCC faculty and view the college as a trap of some kind—even though it is Navajo-run. "This was expected," said one teacher. "But after the students see we're for real, they will have no trouble responding."

Another psychological problem among many students at NCC is the fact of being Indians on a reservation. They are proud of this, looking on the Reservation as a genuine homeland. Yet the average Anglo visitor is unable to understand this. He is on the Reservation, but he knows he is really in Arizona. Moreover, the Indians have only to work a little harder before they'll become real Americans.

To help them along, the visitors act American: they poke into the hogans uninvited, they clown around with the Indian, they throw him big tips. In short, they arrogantly assume their culture is superior and care little about the feelings of another people, another value system, another culture.

The fact that Indians have a culture is surprising to many Americans. Two recent national advertisements are illustrative. One is a TWA ad. Apparently drumming up business for its Southwest route, it depicts a horde of savage, pinto-riding Injuns racing over the frontier. Another is the Benson & Hedges cigarette ad where a brave on a mesa courts his maid below by blowing out smoke signals—all with extra-long Benson & Hedges, we learn at the ad's cute ending.

Both ads mock Indian culture. Indians gave up the war-path bit nearly a century ago; and as for communication, they use the telephone like everyone else.

At the Navajo Community College, the faculty has established a Navajo Culture Studies program. It is one of the most popular courses.

"One class I especially enjoy," writes Florence Charley in a letter to the *Hana Illinii* student newspaper, "is Navajo History and Culture. The students are learning about their history as Navajos believe it happened. They are introduced to such mythological figures as the Changing Woman, Monster Slayer and the Great Creator. They learn about how the Dine evolved, and how people came to this world from other worlds.

"As a person listens to these stories, he feels as if he is capturing a part of himself—a part which lays dormant, but now is brought to life by listening to the stories his ancestors told around a hogan fire late into the night."

Fittingly, the college is governed by many hogan-dwellers: a board of regents of 10 Navajo men, including Raymond Nakai, the chairman of the Tribe and Larry Isaacs, student body president. Although the college is temporarily housed in the BIA high school in Many Farms, the Tsaile chapter of the Tribe recently gave 2,000 acres of forests and lake for the permanent site.

One of the regents' first decisions was to allow adult, non-English-speaking Navajos into the college. Few ever attended school of any kind. "It would be laughable," said Robert Roessel, "to start these people off in first grade. A man's intelligence shouldn't be measured only by his reading and writing skills. Sixty percent of the Navajos are illiterate. But that doesn't mean they can't think or can't be educated. The board of regents insisted we can't ignore this group."

The Navajo Community College is not without critics. One argument runs, why have a separate college for Navajos when the real goal is to get them back into American life?

Answers President Roessel: "In the first place, this isn't a separate college. Navajos predominate, but they are only one of ten tribes enrolled. There are also Anglos—from as far away as Massachusetts.

"Another mistake about our being separate is that we are no more apart from our community than are hundreds of other community colleges in America. We're doing exactly what they're doing: providing education for local students, close to home and stressing regional needs."

A second criticism is that the college is trying to bring back the past. "Nonsense," said a professor. "We're trying to *recognize* the past. The Indians have been told for 100 years that they are useless and helpless. They began to believe it. The larger American society thought the Indians would eventually join the melting pot, once the heat under the pot was turned up.

"This was the either/or approach: either be an American or be an Indian. America has a future, Indians have none. Americans are good, Indians are bad. White is beautiful, red is ugly. Thus, the Indians' past was denounced.

"Now we have a both/and approach, or at least that's what we have at NCC. Take the best of both American and Indian life. In this way, the Indians' past, their culture and language can be preserved. Ironically, while other minorities are searching for their past, the Indians have it right at hand."

Navajos and Navajo observers are justifiably wary of bringing the 130,000 tribesmen into the American culture too fast. The rate of divorce, alcoholism and broken homes is highest among the Navajos who are most acculturated and lowest among the unacculturated. There is also the matter of honesty. "The United States has made 370 treaties with Indians," said Roessel, "and out of those treaties, 370 have been broken."

In April Robert Roessel, Ned Natathli and others from the Navajo community appeared before the House Subcommittee on Appropriations—chaired by Rep. Julia Hansen (Dem., Wash.)—to appeal for construction money for the college's new site. They testified for direct federal appropriations, similar in style to the way Howard University and Federal City College are funded.

Construction will cost around $13 million, with an initial allocation of $5 million needed for fiscal year 1970. The college is seeking a direct line item appropropriation, supported by both House and Senate.

In putting its case before Congress, the educators and students from Many Farms issued no cries of Red Power, no threats of get-evenism, no lists of "legitimate grievances." They only stated the facts: that a Navajo-run college for local students is working; that jobs and careers exist for the graduate, both on and off the Reservation; and finally that $13 million is needed.

What the Navajo people didn't say—because despite everything, incredibly, they still trust in the decency of American society—is that the $13 million is not really a gift in charity but a repayment in justice. And a piddling repayment, at that.

Colman McCarthy, a former staff writer with the Office of Economic Opportunity, recently joined the Washington Post as an editorial writer.

THE MISSION IMPOSSIBLE SQUAD

By MARILYN WAITS

Six years ago, Rhode Island-born Bruce Reeves epitomized the young executive on his way up. He had under his belt a Harvard education and a master's degree in business administration. He was working as public relations man for a bank in Boston, with two award-winning annual reports to his credit. The direction of his career seemed clear.

But something happened to Reeves on his way up the corporate ladder.

First he joined the Peace Corps where he helped administer the volunteer program in Venezuela. He was the Corps' deputy director in that country. Then in 1967 he was one of 20 persons chosen from 1,300 applicants to serve as a new kind of expert-in-residence with rural antipoverty agencies in this country. There were few rules for the kind of work he was about to attempt. What he was chosen for might have been called the "mission impossible squad" of the federal poverty program. Having filled two difficult assignments—and started a third—in widely differing parts of the country, Reeves is helping to develop a critical new function in his field. Instead of winning a key to the executive washroom, he seems to have found a key to helping isolated rural communities that lack the technical expertise and professional know-how to take bold new steps on their own initiative.

As a member of the Special Technical Asistance Program (STAP) team of OEO, Reeves, 34, has spent a year in Maine designing innovative programs (and getting funds to run them) and organizing poor people so they could speak with a stronger voice in decisions affecting them. In Nevada, assigned for six

months to a Community Action Agency trying to serve an area of 96,000 square miles of sagebrush and gold mine country, he helped organize rural neighborhood councils and found a way to tap a largely untouched gold mine—the vast energy of teenagers. He recently began a one-year stint in central Florida helping five antipoverty agencies develop self-help housing, manpower, community capitalism, medical and dental health programs.

Reeves, shaggy-haired and bespectacled, bears a resemblance to Peter Sellers, the comedy film actor. Although he discusses his work in a casual way, he feels deeply and cares very much about it.

Reeves is married and has two children, a four-year-old boy and six-year-old girl. His wife of 10 years, Polly, enjoys the work and doesn't mind pulling up stakes every six months or a year to move on to the next adventure. Their first tour of duty with the STAP squad began when they moved to a 600-acre farm near Richmond, Maine, in 1967. Technical assistance specialist Reeves came at the invitation of Portland CAA Director Nelson Pepin, who had recognized the need for job training among rural Maine residents. Pepin was attempting to design a proposal for a Concentrated Employment Program (CEP) to be submitted to the Department of Labor.

Reeves expanded the idea to include four other counties in southern Maine, making it one of two predominantly rural CEPs in the country. He persuaded the other four CAA directors to join the proposal. He wrote the grant proposal and proceeded to try to get it funded. He led a delegation of CAA directors to Washington to call on Senator Edmund Muskie and won his support for the program. This helped in obtaining Labor Department approval of the $2.5 million proposal.

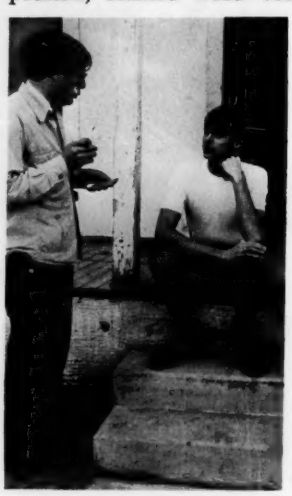
Reeves' contacts in Washington, his awareness of current emphases in various agencies, his knowledge of the routes to get to the decision-makers—these are skills isolated rural areas need. The federal programs and money often are there, but it takes awareness and skill to plug the local community into them.

Maine's Rural Youth Corps was another instance where Reeves made the difference in getting a program underway. The project previously had been rejected by the Maine legislature and by the federal government. At the request of State Director Herbert Sperry, Reeves rewrote the proposal with a whole new emphasis. Sensing that Maine teenagers would respond favorably, he called for a program of organizational teams to travel through rural areas, helping teenagers organize local chapters working on projects of their own choosing. He then persuaded the state employment service to redesign its regular vocational training openings for teenagers to provide training for disadvantaged teenagers as staff for the mobile teams. The Department of Labor funded $100,000 for the program. Reeves got the University of Maine extension service to do the training, and the OEO regional office to provide the additional $53,000 needed to carry out the program.

Reeves also designed a senior citizens corps demonstration program which won financial aid from the National Council on Aging. Working under CAAs, senior citizens organize centers for the elderly and help in certifying those who receive surplus food distribution.

Reeves came to Maine when the CAAs were beginning outreach efforts and needed to expand their programs into rural areas around Portland and Augusta. At that time, the poor had little real voice on the CAA boards and in decisions affecting their lives. The problem was how to get them involved. Reeves saw that surplus food programs were needed and felt the poor could be organized around that issue. As a result, he helped several citizens groups to organize and held training sessions to inform neighborhood aides of their roles and teach them techniques of community organization.

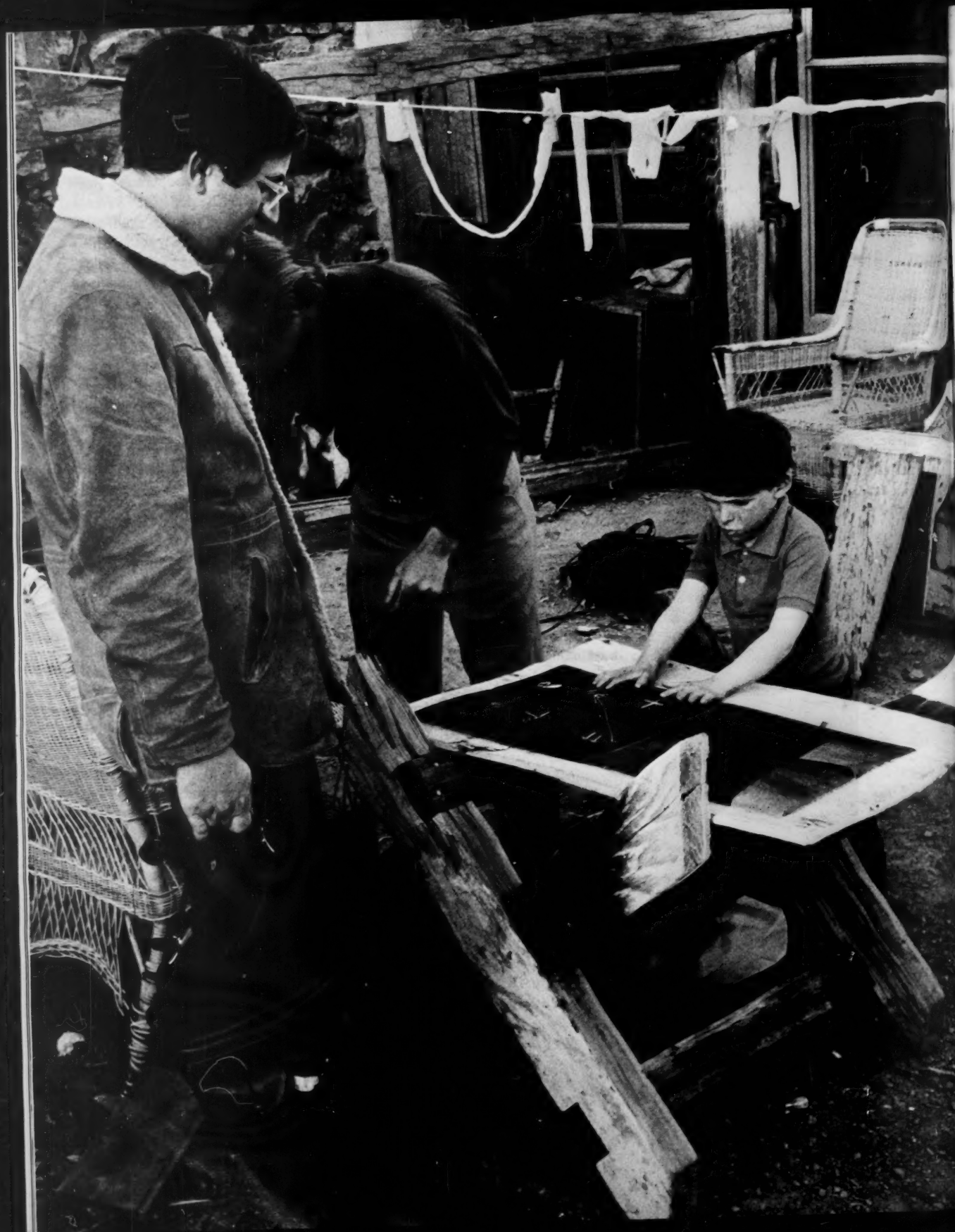
His efforts to recruit new staff members and generate interest among poor people brought results. In Augusta, for example, where Reeves worked with parents from a day care center, a committee of low-income people went to the city council to request reinstatement of a surplus food program which had been stopped eight years earlier. When the city council turned down the request, the parents got up a petition, formed ward committees



to write letters to the councilmen, and generated publicity that won public support for the program. However, when two other towns would not enter a cooperative program, Reeves helped the parents write a proposal which eventually started the program with OEO Emergency Food and Medical funds. Now that the program has been running successfully for a year, the county commissioners for Gardiner County have voted to assume its cost this summer. Under the new arrangement, the program will cover the entire county, not just the five communities that were receiving food under the OEO grant.

One test of technical assistance is whether the programs started by the outside expert continue. The Augusta parents group is a good example of continuing community action. After working on the food issue, the group moved to housing problems. They took all the city councilmen on a tour of low-income housing in Augusta to show them how bad conditions were. Landlords threatened to evict tenants who cooperated with the tour, but backed down and made improvements in the apartments when the tenants sought help from Pinetree Legal Services in Portland. A housing code is now being considered by the city council, and the low-income group is supporting its passage.

Reeves' encouragement to poor people to organize and speak out met opposition from CAA directors who preferred quieter ways of negotiating change. Much of the friction was simply fear of what might happen by stirring poor people up to demand their rights, not reaction to what actually was going on. Reeves was ultimately terminated by two of the five CAA directors he was working with because they felt he had gone beyond the role of advising as a technical assistance expert and was trying to direct the program.



State OEO Director Sperry said Reeves did a fine job under difficult conditions. Although some CAA directors felt Reeves was too aggressive, officials in Nevada felt he was a bit too conservative in his approach. One thing is certain, the CAA directors in Maine all agreed that without Bruce Reeves, there would be none of the new programs he helped launch.

When an outsider comes into a community, the chances are there will be some friction. Such tensions are probably unavoidable under the circumstances.

The Reeves family went west in October 1968. The Nevada Rural Community Action Program, the largest CAP outside Alaska, covers 15 counties and 96,000 miles. Like the Maine CAAs, its program had been limited to its home city, Carson City. Reeves spent six months helping the new CAA Director, Mike Beshaw, organize low-income councils in previously untouched rural areas.

Nevada presented Eastern-bred Reeves with some tough situations: The isolation of the poor, in foothills or desert shacks, facing extremes of temperature, drought and blizzards; hundreds of miles of driving or flying to reach the state's small towns, spread across the sagebrush wastes; the scarcity of decent jobs in the state's few refineries, copper mines, dude ranches and scattered farms; a state just awakening to the fact it must attract new industries (gambling casinos and quickie divorces are the main businesses now); the tendency of the young to leave the state; the gap between affluent pleasure-seekers building A-frame vacation homes in the mountains around Lake Tahoe and the $2500-a-year families, often pioneer descendants, eking out a living in tiny one-gas-station "towns."

In Maine surplus food was the issue that provided a basis for organizing low-income groups; in Nevada it was day care programs. Gambling casinos and businesses servicing them are a major source of employment throughout the state, and the odd working hours make it especially difficult for the state's high percentage of separated or divorced low-income mothers to find babysitters for their children. Reeves helped set up a series of cooperative day care centers, employing low-income mothers to care for the children and giving them training through Head Start training funds. Five cooperatives have been set up.

Teenagers were an untapped resource for the community action program in Nevada, just as they were in Maine. Because almost all adult activities in the state are related to gambling, there are few theaters or other recreational activities for teenagers. To meet this need, Reeves helped teenagers in several areas organize youth groups. Some of them are now working to get recreational centers established and to reduce the high school dropout rate in rural areas. The group in Dayton is setting up an auto repair garage and has persuaded two local mechanics to train interested teenagers; some parents caught their children's enthusiasm and have started organizing a cooperative to market the handmade metal crafts many of them make.

Reeves helped Beshaw divide the vast target area into manageable units. The 15 counties were divided

into three area councils, a coordinator was hired for each area, outreach workers were trained, and 13 local community action groups were organized. There are still areas in the CAP's jurisdiction which are not involved in the antipoverty programs, but the structure for their involvement is now there, and neighborhood aides who have learned from Reeves how to carry programs into a new community and involve the people there can pass on those skills to other CAP workers.

In Nevada Reeves found that sometimes even the STAP expert's skills are not good enough to get a program underway. He designed a mobile manpower program in which trained staff members would go into a rural community, identify those who need training, then work with local employers to set up training programs, as well as providing supportive services in health and education. He took the proposal to a state manpower committee, which appointed a subcommittee to study the program. Reeves and Beshaw were both invited to serve on the committee, which met twice and refused to approve the proposal. Reeves then chose the alternative approach of encouraging each of the newly-organized community groups to begin working on local solutions to the job training needs in their locality, to prepare the unskilled for employment with the new industries Nevada is finally beginning to attract.

In his efforts to design the manpower training program, Reeves was in frequent contact with officials from the state employment department. Beshaw credits Reeves with changing the attitudes of many of these officials to a favorable view of the community action program because they were impressed with his ability. Reeves' emphasis on increased efforts to reach out to isolated rural areas has been picked up by the state employment officials, who have held several conferences to encourage their staff members working in rural areas to get out of their offices and go looking for the people who need jobs, rather than waiting for people to come to them.

Reeves left Nevada in April to begin a third assignment in Florida. He will be working there with a different set of local problems than he faced in either Maine or Nevada, but the same skills of administrative know-how, program planning, and familiarity with Washington will be made available to the local community action programs. The success of this approach to providing long-term technical assistance suggests that STAP experts will be increasingly in demand by rural community action programs in the future.

There are 22 STAP experts in 21 states. The team can point to permanent results in communities throughout the country, including $32 million generated in new programs. The STAP experts have moved on, but the programs they started continue. In the eastern Kentucky mountains, 950 substandard homes were rehabilitated in a year through a home repair program initiated by resident expert Chris Ahrens. In Virginia a tomato cooperative involving 140 farmers reaped from $600 to $1,000 for each farmer in its first summer. It was set up with the aid of a STAP squad member. In Arkansas 20 counties that previously had no community action agencies are now being served.

Each STAP specialist brings a varied background to his assignment. Mrs. Mew-soong Li, a Hawaiian working on rural housing in Missouri, was a top assistant to Dr. Martin Luther King before his assassination. Arnold Beardsley, a 67-year-old Englishman, served as an economic development advisor to the governments of Austria, Turkey, and Pakistan before his STAP assignment to set up rural farming cooperatives in Mississipi. Willie Davis, a Negro superintendent of schools in North Carolina before joining STAP, is developing education programs in the Mississippi Delta.

They have demonstrated that the "mission" is not as impossible as it seemed two years ago.

NEWSLINE

CAP/Health

OEO helps hungry untouched by other programs

"The OEO Emergency Food and Medical Services Program is reaching families and individuals who have never before been touched by any federal program." This finding, based on a study of the emergency food programs in 385 counties around the nation, was presented recently in testimony before the House Committee on Education and Labor.

Luther Elliott, Jr., project director of the study done for OEO by Social Development Corporation, told the congressmen that "through the outreach services of program aides, families who have lived so far beyond the reaches of local community action organization efforts and who have basic human needs for food, clothing, and shelter now have a resource available that can provide them with tangible assistance in resolving one of these basic problems."

"Hunger is a very personal thing. It is extremely difficult for any parent to state publicly that his children are hungry, that his refrigerator is bare, that he has no money, and that the only thing he has to give that child is love while he watches that child cry for food, clothing, and shelter now have being reached in privacy and solid alternatives are being offered. Through summary figures of the first six months of the EFMS operation, we know that 700,000 individuals have been reached and aided through EFMS resources."

A partial summary of the survey findings showed that approximately 25 percent of all recipients of these services were initially enrolled in USDA food programs as a direct result of EFMS assistance. About 58 percent of all families served were aided in making direct purchase of foodstuffs from retail grocers. Sixteen percent of the families served had children for whom school lunches were purchased through EFMS assistance. Fourteen percent of the families were assisted in purchasing medical services required for the correction of health problems associated with malnutrition.

Elliott pointed out that many families cannot afford even the limited cost of food stamps because their incomes are too meager. "Nine of every ten families we interviewed maintained the cost of food stamps was more than they could afford without serious neglect of other items in the family budget." Transportation was another major hindrance to receiving needed food. Many people cannot get to the distribution centers for commodity foods, and getting the 25 pounds of commodities home again may be an even tougher problem.

Certifying offices for the USDA food programs are frequently inaccessible, the survey revealed. "We estimate 80 percent of all sample counties visited have one office, usually in the county seat. That office, if it is a typical office, is open for interviews with clients only a few hours of the total day, Monday through Friday." In some counties the USDA food programs were operative only during those months when farm labor was not needed.

Poor families frequently do not know how to utilize wisely the acquired commodities, the survey also showed. The basic commodities all require preparing edible items from scratch, "and the instructions that we found available for the use of commodities were sparse and only rarely were they designed for easy use by the commodity recipients."

Elliott told the congressmen that six million American school children are entitled to free or reduced-price lunches through federal assistance to low-income families, but two million of these are not getting this food assistance. Elliott said that "the appropriations for the National School Lunch Program, specifically Section 32 funds, will have to be sharply increased in order to guarantee truly free school lunches to children who cannot possibly afford the cost of even the reduced price lunch."

He cited arbitrary local regulations in the school lunch programs, which, he said, will not be corrected without strong support to end them from the administration at the national level. "We know that in some locales, there is a requirement for students to work for lunches that they receive 'free' from the school district. In one particular case, parents must ask permission for their children to work for lunch. This permission is requested of the class instructor who then makes arrangements for no more than one child per family to receive a free lunch in compensation for cleaning lunch tables, picking up trash and garbage left by the more affluent children who can afford the cost of lunch. This is done during the lunch period, to the disgrace and belittlement of the child."

"The emergency food program," he said, "helped families to buy school lunches when grantees aggressively sought the cooperation of school officials."

Elliott concluded his testimony, "From all over the country, the frequently occurring phrase from local CAA administrations is 'you can cut our budgets any place you are forced to, but don't touch the Emergency Food and Medical Services Program.' "

CAP/Legal Services

Residency laws illegal, high court says

The Supreme Court, in a landmark 6-3 decision, has ruled unconstitutional the one-year state residency laws which deny welfare benefits to otherwise-qualified applicants. The decision, based on three Legal Services cases from Connecticut, Pennsylvania, and the District of Columbia, affirmed the earlier rulings of special three-judge Federal Courts in all three instances. Forty states have such residency laws.

The court ruled that minimum residency requirements are unconstitutional

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in that they restrict freedom of travel and establish "invidious discrimination" which denies equal protection of the law.

The Court also said that needy persons cannot be penalized for making a move to a different state because of higher welfare benefits.

"More fundamentally," the majority opinion stated, "a state may no more try to fence out indigents who seek higher welfare benefits than it may try to fence out indigents generally."

State contentions that residency requirements promote fiscal integrity and budget predictability, safeguard against fraud, or provide more efficient administration, also were tossed aside.

It is estimated that the ruling will make welfare eligibility possible for some 100,000 to 200,000 persons across the country.

The majority opinion, by Justice William J. Brennan, Jr., also rejected the contention that Congress, in writing Social Security legislation over the past 35 years, has approved the one-year residency rule.

The majority opinion was joined by Justices William O. Douglas, Abe Fortas, Thurgood Marshall, Potter Stewart and Byron R. White; Chief Justice Earl Warren and Justices Hugo L. Black and John M. Harlan dissented.

Justice Warren, in his dissent, warned that the majority decision may have many other far reaching ramifications, including:

". . . the multitude of situations in which states have imposed residence requirements, including eligibility to vote, to engage in certain professions or occupations or to attend a state-supported university."

Justice Harlan, in his dissent, deplored what he termed the increasing tendency of the court to declare certain rights—such as the right to travel —to be "fundamental" and to overturn any state action that infringed these rights.

The court first heard arguments in the three cases last spring, then called for another round of arguments in October. At that time lawyers for the neighborhood Legal Services Programs in the three cities enlisted the aid of Archibald Cox, former Solicitor General of the United States, who volunteered his services to argue the cases.

Newark officials challenge welfare "freeze"

The Essex County, New Jersey, Welfare Board and two welfare mothers are seeking repeal of a congressional freeze on federal Aid to Dependent Children. Their right to seek an injunction against the freeze, slated to take effect July 1, was upheld by a three-judge Federal District Court in Newark in March, overruling opposition by the United States Attorney.

District Court Judge Lawrence Whipple, who wrote the opinion in this important welfare test case, said the suit filed by the Essex County board was the first legal action taken in the nation to prevent the 1967 congressional freeze, included in the amendments to the Social Security Act, from taking effect. The freeze would save the federal government about $300 million, by returning to the first quarter of 1968 ceiling for welfare payments. The ceiling is based on a ratio between the number of AFDC residents in a state and the total population of children below the age of 18.

Judge Whipple noted that while the three-man panel had the right to enjoin the freeze, its decision could be reviewed under appeal to the Supreme Court. The Welfare Board's suit named former Health, Education and Welfare Secertary Wilbur Cohen as defendant, but the present HEW Secretary Robert Finch will be designated the defendant.

The Board was represented by William H. Sheil, who told the three judges that the freeze was in violation of the Fifth and Fourteenth Amendments of the Constitution, since it would deprive AFDC children and parents of equal protection and due process. Sheil also argued that the freeze was illegal, since it discriminated against cities such as Newark, which has as much as 16% of its population on some form of

HEW Secretary Robert Finch accepts a petition signed by 7,908 law students throughout the county, asking support and expansion of the Legal Services program by the Nixon administration. Finch is chairman of the Urban Affairs Council's Poverty Committee, which will have a strong voice in proposing any changes in the poverty program. Finch, a lawyer for 20 years, told the three law students from the University of Virginia, where the petition originated, that he will "steadfastly resist efforts to move the Legal Services Program from OEO."

relief. The federal attorneys countered that the Welfare Board and the two mothers had "no standing to bring suit."

Judge Whipple found that the board had an interest in the money it would be compelled to spend and ruled that the standing of the two mothers "was beyond question."

The congressionally-ordered freeze has triggered strong political reaction in statehouses around the country. New York Governor Nelson Rockefeller and New Jersey Chief Executive Richard Hughes are spearheading a bipartisan drive to persuade the Nixon Administration to have the freeze repealed. Governor Hughes, who has announced plans to visit Washington to discuss the situation with HEW Secretary Finch, said the freeze would cost his state more than $10 million in additional welfare money a year. Governor Rockefeller has said New York would stand to lose upwards of $87 million a year. New Jersey's Senator Clifford Case has introduced legislation to repeal the freeze.

Baltimore firm to open ghetto law office

One of Baltimore's most prestigious law firms, Piper and Marbury, will open a branch office this fall in the city's ghetto to provide free legal services to the poor.

Expenses for the new office, the cost of litigation, and the salaries of two full-time lawyers who will staff the venture will be met by Piper and Marbury. In addition, the full resources of the firm will be available to the poverty law office.

Although legal counsel in non-criminal matters has been made increasingly more available to the poor through legal aid societies and OEO's Legal Services Program, the Piper and Marbury decision to make the practice of poverty law a full-time, integral part of its work is believed to be the first such undertaking of its kind by a large American law firm. E. Clinton Bamberger, Jr., the first OEO Legal Services Director and now a partner in Piper and Marbury, helped initiate the program.

Another partner in the firm, Frank T. Gray, said the project was motivated by "concern about the responsibility of our profession to take some kind of affirmative action in poverty areas. Our profession has an ethical obligation to provide its services on an across-the-board basis and we haven't been doing that." Gray added that the new branch probably will not handle criminal cases since such legal counsel for the poor must be provided by the courts. Peter Smith, a lawyer with the Washington, D. C., Neighborhood Legal Services Project, has been hired to run the new Piper and Marbury office.

Unequal funding to poor schools legal, high court says

In an 8-1 decision the U. S. Supreme Court ruled that the courts cannot force the Illinois State Legislature to maintain financial equality in the public school system by providing schools in poor districts with the same money available for schools in richer districts. The high court upheld the decision of a three-judge Federal District Court in Chicago on McInnis v. Ogilvie, the first test case it has heard on unequal spending for public school education. The lower court held that the disparity between school taxes in the poor district surrounding Chicago's Waller High School and those collected in near-by affluent districts did not compel the state legislature to provide matching funds to put the districts on an equal basis.

In effect, the Supreme Court said there was no constitutional right violated if states did not provide equal educational fundings to schools.

Stanley Bass, of Community Legal Counsel, an OEO demonstration project in Chicago, represented the Illinois parents who brought the case to the Supreme Court. They contended that unequal financial education paralleled the unconstitutionality of segregated education for Negroes. The parents further argued that the state money allocated to supplement local support of the schools was not sufficient to put poor school districts on a par with their wealthy neighboring districts. In the case of Chicago's Waller High School, with its racial mix of Negro, Puerto Rican and white students, the parents said that $400 was spent on each student including state funds, while almost $1200 per pupil was available in a sample rich district.

The parents' basic premise was that the state is under a constitutional mandate to see that educational equality does not vary from school district to school district. Constitutional challenges have been successfully brought against states in the past for apportioning more money to certain schools on the grounds of favoritism.

In its decision—with Justice William O. Douglas dissenting—the Supreme Court ruled that the Illinois inequality of funding was not conscious favoritism, but an inequality based on school tax rates. The decision is expected to have far-reaching consequences since similar cases arguing for financial educational equality are now in court in California, Michigan, Texas, Virginia and other states.

UPWARD BOUND

Upward Bound's impact measured

Greenleigh Associates, Inc., on contract to the Office of Economic Opportunity to study the impact of Upward Bound on secondary schools and the community, has concluded:

"Above all, it is essential that the program be expanded to include larger numbers of high school students if any tangential effect is to be realized."

They note that of the 600,000 students who are eligible and could benefit from Upward Bound, only 25,000 were enrolled in 1968, or only 4% of the potential pool of disadvantaged students.

They also concluded that Upward Bound, a pre-college program enrolling impoverished high school students with potential for college, has had a significant impact on the limited number of students who were involved, but a

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"minimal" effect on secondary school administrators and faculties. One reason given for this is a lack of meaningful contact between Upward Bound staff and high schools in the recruiting area; the very small number of students in Upward Bound from total student bodies; and "suspicions" on the part of the educational establishment that Upward Bound teachers are, in effect, repudiating long-standing principles and practices of education.

In their on-site survey of 16 metropolitan cities, and 207 others by questionnaire, they observed that the impact of Upward Bound on the schools and communities "increased noticeably" where the lines of communication were completely open between the public schools and the Upward Bound project.

One of the most effective community workers, for example, gave up a $5-an-hour air conditioning job to work for $2.25 an hour for the police department.

"I'm proud of what I'm doing," he said. "Those kids look up to me and I'm going to see that they don't make the same mistake I did."

The men are assigned in pairs to four substations. They concentrate on the schools in their districts, and in their spare time they speak to local clubs, organize athletic programs and help potential juvenile delinquents living in ghetto housing projects.

In a year they've proven their worth. Four other police divisions have asked for aides, though the original four stations fight off attempts to transfer their community workers. Another group of 11 aides has just started training.

Greenleigh Associates, a private, profit-making study group with offices in Washington, New York, Chicago and San Francisco, recommends the encouragement of "a public attitude of acceptance of responsibility for education from nursery school through the fourth year of college."

Donald Rumsfeld, director of OEO, testifies before House Education and Labor Committee.

Ex-convicts now policemen

A Los Angeles police department worker went on television to tell viewers what loopholes a professional burgular looks for while casing a prospective target. The reason he knew so much about it is that he was a former burglar.

Another LAPD community aide raps with junior high school students about the rough road of drug addiction. He should know—he was an addict for 10 years.

These men are part of a new program aimed at closing the gap between police departments and Negro/Mexican-American ghettos. The men are graduates of the Concentrated Employment Program which is funded by the OEO through the Labor Department to find jobs for hard-core unemployed.

The initial experimental group of some 20 ex-convicts formed a year ago was laced with rapists, addicts, forgers, burglars and con men. Currently, eight remain—but they are the ones dedicated to making the test work.

Word about the program has spread across the country. Police departments in Boston, Rochester, New York City, Seattle and Jacksonville have shown interest in the method. And the word has spread in another direction: Sgt. Al Pacheco, the new LAPD commanding officer, receives a steady stream of inquiries from current penitentiary inmates!

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